

CARMALITA CARLETOS-DRAYTON  
**Direct Dial:** 901.577.2210  
**E-Mail Address:** [ccdrayton@bakerdonelson.com](mailto:ccdrayton@bakerdonelson.com)

April 27, 2020

**Via FOIA Online**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Regional Freedom of Information Officer  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

**Re: FOIA Request for Records Related to Grants for Construction of  
Wastewater Treatment Works to the City of Memphis, Tennessee**

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2.

**Request**

This request for EPA records includes:

1. **Grant Documents:** Grants awarded to the State of Tennessee for the benefit of the City of Memphis, Tennessee as the sub-recipient or sub-grantee, or awarded directly to the City of Memphis for wastewater activities. Such documents shall include, without limitation, Clean Water Act ("CWA") grant documents for all phases and steps leading to construction of publicly-owned treatment works ("POTWs") by or on behalf of the City of Memphis, including predecessor grant programs for construction of municipal sewage and wastewater treatment works under the Water Quality Act of 1965 (Pub. L. No. 89-

234), the Clean Water Restoration Act of 1966 (Pub. L. No. 89-573), and the Water Quality Improvement Act of 1970 (Pub. L. No. 91-224). For purposes of this FOIA request, the grant documents requested would fall within these statutory grant programs. The scope of the requested documents includes records pertaining to: (1) facilities and area-wide waste treatment management and planning among the City of Memphis, State of Tennessee, and State of Mississippi; (2) preparation of construction drawings and specifications; and (3) fabrication and building of wastewater treatment works by and for the City of Memphis. This request includes, but is not limited to:

- a. Documents pertaining to construction grants, as described above, that EPA awarded or oversaw (including grants initially provided by the Federal Water Pollution Control Administration (both within the then-Department of Health, Education, and Welfare, and the Department of the Interior, once transferred there), the Federal Water Quality Administration, as well as the Public Health Service, or other federal agency) to the City of Memphis, Tennessee;
- b. Grant applications, grant awards, grant compliance activities, grant amendments, grant disputes and audits (including any grant dispute decisions and audit findings), grant payment records, and grant close-out records;
- c. The following grants:
  - i. C470247-01 (March 26, 1970);
  - ii. C470386-01 (November 5, 1974);
  - iii. C470386-02 (October 31, 1978);
  - iv. C470386-03 (September 3, 1980) 85%;
  - v. C470291-01 (Date unknown);
  - vi. C470344 (Date unknown);
  - vii. C280350 (Date unknown); and
  - viii. All other grants within the above-specified time period awarded to the City of Memphis for wastewater activities;
- d. Correspondence, other than mere transmittal or confirmation records, by and between EPA personnel and offices, as well as correspondence regarding the

subject areas in 1.b, above, with: (1) the City of Memphis; (2) the State of Tennessee; (3) the State of Mississippi; and (4) any other third party.

- e. This request includes any actions taken by the States of Tennessee and Mississippi under delegation by EPA, on the subject areas of this FOIA request.

2. **CWA Section 201 Documents:** Any and all documents pertaining to the development and implementation of wastewater treatment management plans and practices and other documents pertaining to the CWA § 201 process, including without limitation:

- a. Designation documents from the State of Tennessee and State of Mississippi related to the Designation of Shelby County, TN and/or DeSoto County, MS as an area with substantial water quality control problems and information related to the designated boundaries of such areas;
- b. Individual and/or joint grant application(s) filed by the State of Tennessee, Tennessee Water Quality Control Board, Shelby County, TN, State of Mississippi, and/or DeSoto County, MS for CWA § 201 funds;
- c. Resolutions of Intent submitted by the City of Memphis, Shelby County, TN, DeSoto County, MS, the Horn Lake Creek Basin Sewer Interceptor District of DeSoto County, MS, City of Horn Lake, MS, and City of Southaven, MS expressing intent to join together in the planning process to develop and implement a plan(s) which would result in coordinated wastewater treatment facilities for the designated area;
- d. Facility plans, other plans, specifications and estimates for any proposed project for construction of treatment works in Memphis, TN, Shelby County, TN, and DeSoto County, MS; and
- e. Related capital financing plans.

3. **CWA Section 208 Documents:** Any and all documents pertaining to the CWA § 208 process, including without limitation:

- a. Any grant applications and other grant documents not otherwise provided in response to the above requests including but not limited to the following:
  - i. Grant Agreements with the State of Tennessee, TN Water Quality Control Board, and/or City of Memphis, TN for § 208 grant funds;

- ii. Grant Agreements with the State of Mississippi, Mississippi Department of Environmental Quality, DeSoto County, MS, City of Horn Lake, MS, and/or City of Southaven, MS for § 208 grant funds; and
  - iii. Grants awarded to Designated “208” Planning Agency for City of Memphis, TN, Shelby County, TN, DeSoto County, MS, City of Horn Lake, MS, and/or City of Southaven, MS.
- b. Designation documents from the State of Tennessee and State of Mississippi related to the Designation of Shelby County, TN and/or DeSoto County, MS as an area with substantial water quality control problems and information related to the designated boundaries of such areas;
- c. Information related to the Planning Organization designated by the State of Tennessee and the State of Mississippi to develop an areawide waste treatment management plan for the designated area;
- d. Copy of the Areawide Waste Treatment Management Plan certified by the Governor of the State of Tennessee and/or the Governor of the State of Mississippi and any related annual certifications submitted to date; and
- e. Information related to the wastewater management agency designated by the State of Tennessee and/or the State of Mississippi for the designated area with substantial water quality control problems.

Please contact the undersigned if the EPA’s associated search and duplication costs are anticipated to exceed \$500.00. Please duplicate the records that are responsive to this request and send it to the undersigned at the above address. If the requested record is withheld based upon any asserted privilege, please identify the basis for the non-disclosure. In the event these records are kept off-site at a federal document repository, we request that EPA provide us the appropriate authorization forms and arrange for such documents to be made available to us for review and copying.

If you have any questions regarding this request, please do not hesitate to contact me so as to ensure that only the necessary documents are identified and duplicated.

April 27, 2020  
Page 5

Respectfully,

/s/ Carmalita Carletos-Drayton  
Carmalita Carletos-Drayton